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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**
 13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE
 16 COMPANY,
 17 USA CAPITAL REALTY ADVISORS,
 18 LLC,
 19 USA CAPITAL DIVERSIFIED TRUST
 20 DEED FUND, LLC,
 21 USA CAPITAL FIRST TRUST DEED
 22 FUND, LLC,
 23 USA SECURITIES, LLC,

24 Debtors.

25 **Affects:**

26 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
 BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
 SIXTH OMNIBUS OBJECTION OF
 USACM TRUST TO PROOFS OF
 CLAIM BASED UPON
 INVESTMENT IN THE ONE POINT
 STREET, LLC – HFA NORTH
 YONKERS LOAN; AND
 CERTIFICATE OF SERVICE**

Date of Hearing: February 21, 2008
 Time of Hearing: 9:30 a.m.

25 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**
 26 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE ONE
POINT STREET, LLC – HFA NORTH YONKERS LOAN BECAUSE THE
USACM TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR
YOUR INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT



1 **IMPACT YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN**
2 **INVESTMENT IN A DIFFERENT LOAN.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
6 **SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL .**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
8 through its counsel, has filed its Sixth Omnibus Objection to Proofs of Claim Based Upon
9 Investment in the One Point Street, LLC – HFA North Yonkers Loan (the “Objection”).
10 Your Proof of Claim number and other information regarding your claim is provided in
11 **Exhibit A**, attached. The USACM Liquidating Trust has requested that this Court enter an
12 order, pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy
13 Code”) and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy
14 Rules”), disallowing your Proof of Claim to the extent it is based upon an investment in
15 the One Point Street, LLC – HFA North Yonkers Loan. The Objection will not impact
16 your Claim to the extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on
20 **February 21, 2008, at the hour of 9:30 a.m..**

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON February**
22 **21, 2008, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
23 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
24 **HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
26 by February 13, 2008 pursuant to Local Rule 3007(b), which states:



1 If an objection to a claim is opposed, a written response must be filed and
 2 served on the objecting party at least 5 business days before the scheduled
 3 hearing. A response is deemed sufficient if it states that written
 4 documentation in support of the proof of claim has already been provided to
 5 the objecting party and that the documentation will be provided at any
 6 evidentiary hearing or trial on the matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
 8 pleading with the Court. You *must* also serve your written response on the person who
 9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
 11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13 • The Court may *rule against you* and sustain the objection without formally
 14 calling the matter at the hearing.

15 Dated: January 18, 2008

16 LEWIS AND ROCA LLP

17 By /s/ Rob Charles (#6593)
 18 Susan M. Freeman, AZ 4199 (*pro hac vice*)
 19 Rob Charles, NV 6593
 20 John C. Hinderaker, AZ 18024 (*pro hac vice*)
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 26 *Attorneys for the USACM Liquidating Trust*

27 Copy of the foregoing mailed by first class
 28 Postage prepaid U.S. Mail on
 29 January 18, 2008 to:

30 Parties listed on Exhibit A attached.

31 s/Renee L. Creswell
 32 Renee L. Creswell